"(3) SCOPE OF REVIEW.—The decisions, findings and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(4) ORDER TO PAY PENALTY.—Notwithstanding any other provision of law, in any such review the court shall have the power to order payment of the penalty imposed by the Secretary.

"(f) ACTION TO COLLECT PENALTY.—If a mortgagor fails to comply with the Secretary's determination or order imposing a civil money penalty under subsection (b) or (c), after the determination or order is no longer subject to review as provided by subsections (d)(1) and (e), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the mortgagor and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

12 USC 1735f-15 note.

"(g) SETTLEMENT BY SECRETARY.—The Secretary may compromise, modify, or remit any civil money penalty which may be or has been imposed under this section.

"(h) DEFINITION OF KNOWINGLY.—The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(i) REGULATIONS.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

"(j) DEPOSIT OF PENALTIES IN INSURANCE FUNDS.—Notwithstanding any other provision of law, all civil money penalties collected under this section shall be deposited in the fund established under section 201(1) of the Housing and Community Development Amendments of 1978."

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only with respect to violations referred to in the amendment that occur on or after the effective date of this section.

SEC. 109. CIVIL MONEY PENALTIES AGAINST SECTION 202 MORTGAGORS. Loans.

(a) IN GENERAL.—Title n of the Housing Act of 1959 is amended by inserting after section 202 the following new section:

"CIVIL MONEY PENALTIES AGAINST SECTION 202 MORTGAGORS

"SEC. 202a. (a) IN GENERAL.—The penalties set forth in this sec- 12 use i70i--i tion shall be in addition to any other available civil remedy or criminal penalty, and may be imposed whether or not the Secretary imposes other administrative sanctions. The Secretary may not impose penalties under this section for violations a material cause of which are the failure of the Department, an agent of the Department, or a public housing agency to comply with existing agreements.

"(b) PENALTY FOR VIOLATION OF AGREEMENT AS CONDITION OF TRANSFER OF PHYSICAL ASSETS, FLEXIBLE SUBSIDY LOAN, CAPITAL IMPROVEMENT LOAN, MODIFICATION OF MORTGAGE TERMS, OR WORK-OUT AGREEMENT.—

"(1) IN GENERAL.—Whenever a mortgagor of property that Real property includes 5 or more living units and that has a mortgage held